

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Tuesday, October 16, 2001, 9:30 A.M.

ACTION CALENDAR:

1. **A-5615, Appeal of Chris and Andrea Murtha** (Historic Preservation Commission – Historic Area Work Permit). Letter to the Board from the appellant requesting a reinstatement of the 12/5/01 hearing date.

Action: Granted reinstatement of the 12/5/01 hearing date, (LLM/AIF, 4-0).

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman - ABSENT
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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Tuesday, October 16, 2001, 9:30 A.M.

ACTION CALENDAR:

1. **Minutes**, October 2, 2001 Worksession.

Action: Approved, (LLM/AMC, 4-0).

2. **A-5089, Appeal of John Sadesky** (Department of Permitting Services – Issuance of a Building Permit). Letter to the Board from Richard H. Melnick, Associate County Attorney regarding dismissal of the appeal.

Action: (1) Board to consider the request to dismiss the appeal at the public hearing; (2) scheduled public hearing date will remain unchanged, consensus.

3. **A-5678, Appeal of Luxmanor Citizens Association, Inc., et al** (Department of Permitting Services (DPS) – Issuance of a Building Permit) **and A-5679, Appeal of Luxmanor Citizens Association, Inc., et al** (Department of Permitting Services – Issuance of a Building Permit). Letter to the Board from Stanley D. Abrams, Esquire, requesting to intervene.

Action: Granted request to intervene, (LLM/AMC, 4-0).

4. **CBA-1134, Petition of Potomac Conference of Seventh-Day Adventists** (an office building and book and bible house). Letter from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and to request that the special exception be revoked.

Action: Revoked special exception as use no longer requires a special exception, (AMC/AIF, 4-0).

5. **CBA-1174, Petition of the Holton Arms School**, (private educational institution). Letters to the Board from Harry W. Lerch, Esquire, dated 9/24/01 and 10/11/01, regarding a request to table Motion for Reconsideration and the revised special exception modification request. Also included are letters from Norman G. Knopf, Esquire, dated 10/4/01 and 10/11/01.

Action: (1) Motion for reconsideration tabled; (2) Board rescheduled public hearing to 10/30/01 with the consent of all participating parties, consensus.

6. **CBA-1227, Petition of Whitehall Apartments and Dr. Peter P. Andrews and Dr. Roland Imperial** (medical practitioners office). Letter to the Board from Roland Imperial, M.D., requesting an extension.

Action: Denied reconsideration request to extend the time, (AMC/LLM, 4-0).

7. **S-155, Petition of Mary B. Marienthal** (day nursery for a swim club). Letter to the Board from Mary Biswell (Marienthal), submitting a statement of operations.

Action: (1) Re-opened the record to include letter with attachments from Mary Biswell (Marienthal); (2) granted administrative modification, (AMC/AIF, 4-0).

8. **S-168, Petition of Christ Lutheran Church** (day care center for elderly). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting revocation of the special exception as the use is permitted per the Montgomery County Zoning Ordinance.

Action: Revoked special exception as use is permitted in accordance with Montgomery County Zoning Ordinance, (AMC/AIF, 4-0).

9. **S-1416 [S-1416-A], Petition of Marriott Corporation** (drive-in restaurant). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0).

10. **S-1466, Petition of Michael S. and Regina A. Mason** (landscape/retail nursery). Letter to the Board from Cathy G. Borten, Esquire, to note the Mason's objection to the Board's grant for re-hearing and reconsideration.

Action: (1) Denied request to rescind Resolution to Grant Re-hearing and Reconsideration; (2) date of the scheduled public hearing will remain unchanged, (AMC/AIF, 4-0).

11. **S-1922, Petition of Sandy Spring National Bank** (general office for a bank). Letter to the Board from Susan W. Carter, Esquire, requesting an administrative modification and approval of the proposed landscape/lighting plan. (Large exhibits: original landscape and lighting plan and proposed landscape and lighting plan.)

Action: (1) Re-opened the record to include Ms. Carter's letter with attachments; (2) granted administrative modification, (AMC/LLM, 5-0).

12. **S-2181, Petition of Environmental Quality Resources, Inc.** (wholesale nursery and greenhouse, and a landscape contractor). Memorandum to the Board from Susan Scala-Demby, Investigator, DPS, notifying the Board that the special exception has been abandoned.

Action: Schedule Show Cause Hearing, (AMC/LLM, 4-0).

13. **S-2190, Petition of Rich Brown** (commercial riding stable). Letter Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0).

14. **S-2214, Petition of Potomac Group Home Corporation** (group residential facility). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0).

15. **S-2462, Petition of Victory Housing, Inc.** (housing for the elderly). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Also included is a letter from Barbara Padden, Potomac Citizens Association. (Large exhibits: preliminary forest conservation plan, special exception plan, and elevations.)

Action: (1) Granted the administrative modification; (2) re-opened the record to include the additional exhibits; (3) the Board adopted the changes submitted by Mr. Kline in the amended opinion, (LLM/AMC, 4-0).

DECISIONS:

16. **S-2469, Petition of Ambassador Animal Hospital, Inc.** (veterinary hospital). Amended Report and Recommendation of the Hearing Examiner.

Action: (1) Accepted Amended Report and Recommendation of the Hearing Examiner; (2) granted the special exception subject to conditions, (AMC/LLM, 4-0).

17. **A-5639, Petition of Germantown Station Limited Partnership** (a parking lot). (Large exhibits: landscape plan, photometric plan, and landscape and lighting plan).

Action: Public hearing continued to 11/7/01 @ 9 a.m., consensus.

PENDING ITEMS:

18. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr. , et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, notifying the Board of the special exceptions outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

19. **S-2473, Petition of Adnan Haider** (accessory apartment). Letters to the Board from L. Morgan Bates (Marguerite) and Suzanne McLaughlin, neighbors, regarding the special exception. Board to request Department of Housing and Community Affairs (DHCA) inspection of the special exception.

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